

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 11-20594
Honorable David M. Lawson

GERALD LEE DUVAL, JR and JEREMY
DUVAL,

Defendants.

**ORDER SETTING HEARING ON DEFENDANTS' JOINT MOTION TO SUPPRESS
EVIDENCE**

On September 22, 2011, the defendants were indicted on a number of drug and firearm charges arising from the execution of two search warrants at defendant Gerald Duval, Jr.'s home and farm property. On November 10, 2011, the defendants filed a joint motion to suppress evidence on the ground that the affidavits used to secure the search warrants contain false statements or material omissions that were inserted or omitted with an intentional or reckless disregard for the truth to establish probable cause to search. The Court has reviewed the defendants' motion and finds that it provides sufficient basis to conduct an evidentiary hearing. *See Franks v. Delaware*, 438 U.S. 154, 171 (1978). Therefore, the Court will conduct an evidentiary hearing on the defendants' joint motion on January 23, 2012 at 1:30 p.m.

The Court expresses no conclusive opinion on whether the search warrant affidavit, absent the challenged information, establishes probable cause to issue the warrant.

Accordingly, it is **ORDERED** that the parties shall appear for an evidentiary hearing on the defendants' joint motion to suppress evidence [dkt. #22] **on January 23, 2012 at 1:30 p.m.**

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 21, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 21, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL